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09/916,608	07/26/2001	Sunit Lohtia	3399P060	8716

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/916,608

Applicant(s)

LOHTIA, SUNIT

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. (U.S. Patent No. 6,606,647).

3. In regard to claim 1, Shah discloses *determining automatically which of a plurality of devices associated with a user, if any, are currently online; and sending a notification message for the user to one of the devices which were determined to be currently online, in response to a predefined trigger event, said one of the devices having been selected based on a profile of the user*. Shah allows messages to be rerouted based on a user's routing preferences, or *profile of the user*. (Shah, column 4, lines 59-64). Shah determines if a device associated with a user is logged in, or *currently online*. (Shah, column 9, line 66 – column 10, line 15). Receiving the message-initiation header in Shah, column 9, line 66 is the *predefined trigger event* and if the device is online, the message is routed to the device.

4. In regard to claim 2, Shah is applied as in claim 1. Shah further discloses *selecting said one of the devices as a destination of the notification message based on the profile of the user*. Shah discloses a user selecting the preferred devices for receiving a message. (Shah, column 10, lines 60-66).

5. In regard to claim 3, Shah is applied as in claim 2. Shah further discloses *the profile of the user indicates a preferred order of devices to which notifications for the user should be sent*. Shah's rerouting condition includes a *preferred order* based on user-activity. (Shah, column 10, lines 35-59)

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6. In regard to claim 4, Shah is applied as in claim 1. Shah further discloses *the predefined trigger event comprises receiving a notification message for the user from a remote system.* (Shah, column 9, lines 66-67)

7. In regard to claim 5, Shah is applied as in claim 1. Shah further discloses *at least one of the plurality of devices of the user is a mobile device configured to operate on a wireless network.* (Shah, column 9, lines 11-20)

8. In regard to claim 6, Shah is applied as in claim 1. Shah further discloses *at least one of the plurality of devices of the user is a computer connected to a wired computer network.* (Shah, column 5, lines 33-43)

9. In regard to claim 7, Shah is applied as in claim 1. Shah further discloses *at least one of the plurality of devices of the user is a mobile device configured to operate on a wireless network.* (Shah, column 9, lines 11-20) Shah further discloses *at least one of the plurality of devices of the user is a computer connected to a wired computer network.* (Shah, column 5, lines 33-43)

10. In regard to claim 8, Shah is applied as in claim 7. Shah discloses the use of voicemail in column 13, lines 6-52 and figure 2, item 30r. Shah further discloses the use of a POTS telephone in column 8, line 57.

11. In regard to claim 9, Shah is applied as in claim 1. Shah further discloses *said determining automatically which of a plurality of devices associated with a user, if any, are currently online comprises communicating with a presence server on a wireless network, to determine if the mobile device is present on the wireless network.* Shah checks for the availability of a device using a *presence server* in column 10. Shah has included support for wireless network devices in column 9, lines 17-20.

12. In regard to claim 12, Shah is applied as in claims 1 and 3, as these claims meet the limitations of claim 12. Shah discloses rerouting a message according to routing preferences, or *consecutively sending a second notification message for the user to each of the devices which were determined to be currently online, according to the profile of the user, until an acknowledgement of the second notification is received with respect to one of the devices, the second notification message being representative of the first notification message,* in column 10, lines 35-59.

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13. In regard to claim 13, Shah is applied as in claim 12. Shah further discloses *the profile of the user indicates a preferred order of devices to which notifications for the user should be sent*. Shah's rerouting condition includes a *preferred order* based on user-activity. (Shah, column 10, lines 35-59)

14. In regard to claim 14, Shah is applied as in claim 13. Shah further discloses *selecting said one of the devices as a destination of the second notification message based on the profile of the user*. Shah discloses a user selecting the preferred devices for receiving a message. (Shah, column 10, lines 60-66).

15. In regard to claim 15, Shah is applied as in claim 12. Shah further discloses *wherein the remote site comprises a server on a computer network, and wherein each of the plurality of devices comprises a data processing device*. See Shah, column 9, line 66-column 10, line 28. See Shah, column 9, lines 11-20. See Shah, column 8, lines 39-65.

16. In regard to claim 16, Shah is applied as in claim 15. Shah further discloses *at least one of the devices is a mobile device configured to operate on a wireless network*. (Shah, column 9, lines 11-20)

17. In regard to claim 17, Shah is applied as in claim 16. Shah further discloses *said determining automatically which of the plurality of devices are currently online comprises communicating with a network element connected to a wireless network to determine if the mobile device is present on the wireless network*. Shah checks for the availability of a device using a *network element* in column 10. Shah has included support for wireless network devices in column 9, lines 17-20.

18. In regard to claim 20, Shah is applied as in claim 12. Shah further discloses *determining automatically which of the plurality of devices are currently online is done in response to receiving the notification message from the remote network site*. Shah receives a message initiation header, and then determines if the computer is logged on the server. Shah, column 9, line 66 – column 10, line 3.

19. In regard to claim 22, Shah is applied as in claim 12. Shah further discloses *determining automatically which of the plurality of devices are currently online is done in response to receiving the first notification message*. Shah receives a message initiation header, and then determines if the computer is logged on the server. Shah, column 9, line 66 – column 10, line 3.

20. In regard to claim 25, Shah is applied as in claim 12, as this claim fulfills most of the limitations of claim 25. The rerouting condition of Shah, column 10, lines 35-59, allows routing to multiple devices in

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consecutive order. This fulfills the additional limitation of *waiting to receive an acknowledgement of the second notification message; if an acknowledgement of the second notification message is not received, the selecting another one of the devices which are currently online, if any, based on the profile of the user, and sending a third notification message for the user to said other one of the devices, based on the first notification message.*

21. In regard to claim 26, Shah is applied as in claim 25. Shah further discloses *said determining automatically which of the plurality of devices are currently online comprises communicating with a network element connected to a wireless network to determine if the mobile device is present on the wireless network.* Shah checks for the availability of a device using a *network element* in column 10. Shah has included support for wireless network devices in column 9, lines 17-20.

22. In regard to claim 29, Shah is applied as in claim 25. Shah further discloses *the profile of the user specifies a preferred order in which the plurality of remote devices should be contacted with a notification.* Shah's rerouting condition includes a *preferred order* based on user-activity. (Shah, column 10, lines 35-59)

23. In regard to claims 31-32, Shah is applied as in claim 25, as this claim meets the substantive limitations of claims 31-32.

24. In regard to claim 33, Shah is applied as in claim 31. Shah further discloses *said determining automatically which of the plurality of devices are currently online comprises communicating with a network element connected to a wireless network to determine if the mobile device is present on the wireless network.* Shah checks for the availability of a device using a *network element* in column 10. Shah has included support for wireless network devices in column 9, lines 17-20.

25. In regard to claim 36, Shah is applied as in claim 31. Shah further discloses *the profile of the user specifies a preferred order in which the plurality of remote devices should be contacted with a notification.* Shah's rerouting condition includes a *preferred order* based on user-activity. (Shah, column 10, lines 35-59)

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26. In regard to claim 37, Shah is applied as in claim 36. Shah further discloses *the notification server further is to select one of the devices which were determined to be currently online as a destination of the second notification message, based on the profile of the user.* See Shah, column 10, lines 35-59.

27. In regard to claim 39, Shah is applied as in claims 12-14, as these claims meets the substantive limitations of claim 39.

28. In regard to claim 40, Shah is applied as in claim 39. Shah further discloses *the profile of the user includes information indicative of an order in which notifications for the user should be sent to said devices.* Shah's rerouting condition includes an order based on user-activity. Shah, column 10, lines 35-59.

29. In regard to claim 41, Shah is applied as in claim 40. Shah further discloses *selecting said one of the devices as a destination of the second notification message based on the profile of the user.* Shah discloses a user selecting the preferred devices for receiving a message. (Shah, column 10, lines 60-66).

30. In regard to claim 42, Shah is applied as in claim 39. Shah further discloses *wherein the remote site comprises a server on a computer network, and wherein each of the plurality of devices comprises a data processing device.* See Shah, column 9, line 66-column 10, line 28. See Shah, column 9, lines 11-20. See Shah, column 8, lines 39-65.

31. In regard to claim 43, Shah is applied as in claim 42. Shah further discloses *at least one of the devices is a mobile device configured to operate on a wireless network.* (Shah, column 9, lines 11-20)

32. In regard to claim 44, Shah is applied as in claim 39. Shah further discloses *said determining automatically which of a plurality of devices associated with a user, if any, are currently online comprises communicating with a presence server on a wireless network, to determine if the mobile device is present on the wireless network.* Shah checks for the availability of a device using a *presence server* in column 10. Shah has included support for wireless network devices in column 9, lines 17-20.

33. In regard to claim 47, Shah is applied as in claim 39. Shah further discloses *determining automatically which of the plurality of devices are currently online is done in response to receiving the notification message from the remote network site.* Shah receives a message initiation header, and then determines if the computer is logged on the server. Shah, column 9, line 66 – column 10, line 3.

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34. In regard to claim 50, Shah is applied as in claim 1, as this claim meets the substantive limitations of claim 50.

***Claim Rejections - 35 USC § 103***

35. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

36. Claims 21, 23, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah.

37. In regard to claims 21, 23, and 48, Shah is applied as in claims 12 and 39. Shah fails to disclose that the server checks to see if a device is logged in prior to receiving a notification message. However, it is well known that servers can keep records of what is logged into a server. A server cannot function if it is unknown what devices have logged into a server. Such functionality has been present in various incarnations of Windows, UNIX, Linux, and Netware over the years. A server keeps track of this as a background process. A server would then necessarily know at all times what connections are made to it, or in other words, what devices are currently online. Therefore it would be obvious to one of ordinary skill in the art that a server would be able to tell what was currently online a server in the Shah at any time in the operation of the invention, including *prior to receiving a notification message*.

38. Claims 10, 18, 27, 34, 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Shah in view of Tucciarone et al. (U.S. Pub. No. 2003/0009385).

39. Regarding claim 10, Shah is applied as in claim 1. Shah fails to disclose the use of an instant messenger application as a device for sending a message to the user.

40. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]



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41. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Shah and Tucciarone for the purpose of allowing a user to have messages forwarded to their most frequently engaged online activity. [See Tucciarone, page 2, paragraph 0011.] Shah gives motivation by stating that a chat program is used as an option in the Shah invention. See Shah, column 8, lines 52-53.

42. Regarding claim 18, Shah is applied as in claim 12. Balma fails to disclose the use of an instant messenger application as a device for sending a message to the user.

43. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]

44. The motivation used for claim 10 is equally applicable for combining the teachings of Shah and Tucciarone in claim 18.

45. Regarding claim 27, Shah is applied as in claim 25. Shah fails to disclose the use of an instant messenger application as a device for sending a message to the user.

46. However, Tucciarone discloses that a user can receive forwarded communications via an instant messaging program and that the instant messenger program can communicate request delivery information to the host. [See Tucciarone, page 2, paragraph 0014. See Tucciarone, page 8, paragraph 0112.]

47. The motivation used for claim 10 is equally applicable for combining the teachings of Shah and Tucciarone in claim 27.

48. Regarding claim 34, the limitations of this claim are substantially the same as those in claim 18. Therefore the same rationale for rejecting claim 18 is used to reject claim 34.

49. Regarding claim 45, the limitations of this claim are substantially the same as those in claim 27. Therefore the same rationale for rejecting claim 27 is used to reject claim 45.

50. In regard to claims 19, 28, 35 and 46, the limitations of these claims are covered in the rejections of claims 17 and 18, claims 26 and 27, claims 33 and 34, and claims 44 and 45.

51. Claims 11, 24, 30, 38, 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Shah in view of Gifford et al. (U.S. Pub. No. 2002/0131561).

52. In regard to claim 11, Shah is applied as in claim 1. Shah fails to disclose adding a hyperlink to a notification message.

53. However, Gifford discloses a notification e-mail that allows the user to interact with the server based upon an embedded hyperlink within the notification e-mail. [See Gifford, page 2, paragraph 0028.]

54. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to combine the teachings of Shah and Gifford for the purpose of allowing the user to respond to a message when it is received. [See Gifford, page 2, paragraphs 0025 and 0028.] Shah gives motivation for the combination by stating that a recipient should notify a sender when the message has been "picked up" and the server should reroute otherwise. [See Shah, column 10, lines 35-59].

55. Regarding claim 24, Shah is applied as in claim 12. Shah fails to disclose adding a hyperlink to a notification message.

56. However, Gifford discloses a notification e-mail that allows the user to interact with the server based upon an embedded hyperlink within the notification e-mail. [See Gifford, page 2, paragraph 0028.]

57. The motivation used for claim 11 is equally applicable for combining the teachings of Shah and Tucciarone in claim 24.

58. Regarding claim 30, Shah is applied as in claim 25. Shah fails to disclose adding a hyperlink to a notification message.

59. However, Gifford discloses a notification e-mail that allows the user to interact with the server based upon an embedded hyperlink within the notification e-mail. [See Gifford, page 2, paragraph 0028.]

60. The motivation used for claim 11 is equally applicable for combining the teachings of Shah and Tucciarone in claim 30.

61. Regarding claim 38, the limitations of this claim are substantially the same as those in claim 24. Therefore the same rationale for rejecting claim 24 is used to reject claim 38.

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62. Regarding claim 49, the limitations of this claim are substantially the same as those in claim 30. Therefore the same rationale for rejecting claim 30 is used to reject claim 49.

### **Conclusion**

63. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JRS*

  
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